

Did claimant's accident arise out of and in the course of her employment with respondent?

FINDINGS OF FACT

This matter has been before the Board on one prior occasion. In a well reasoned opinion issued June 13, 2006, a Board Member found claimant's injuries to have arisen out of and in the course of her employment with respondent, as any deviation from the normal route claimant would have taken on her business trip was only a minor deviation. The decision issued from the Preliminary Hearing appeal considered substantially the same record as was considered at the time of the Award. The only added testimony was that of claimant taken at the Regular Hearing and the deposition of Lanning Bollacker, claimant's church pastor. Neither affects the outcome of this matter. The Board, in considering the entire record, finds its determination has not changed from the time of its original Order. The Board, therefore, adopts, in toto, its decision of June 13, 2006, thereby affirming the Award of the ALJ.

CONCLUSIONS

Having reviewed the entire evidentiary file contained herein, the Board finds the Award of the ALJ should be affirmed.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Pamela J. Fuller dated May 18, 2007, should be, and is hereby, affirmed.

Although the Administrative Law Judge's Award approves claimant's contract of employment with her attorney, the record does not contain a filed fee agreement between claimant and claimant's attorney. K.S.A. 44-536(b) mandates that the written contract between the employee and the attorney be filed with the Director for review and approval. Should claimant's counsel desire a fee be approved in this matter, he must file and submit his written contract with claimant to the Administrative Law Judge for approval.¹

IT IS SO ORDERED.

¹ K.S.A. 44-536(b).

Dated this ____ day of September, 2007.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: D. Shane Bangerter, Attorney for Claimant
Richard L. Friedeman, Attorney for Respondent and its Insurance Carrier
Pamela J. Fuller, Administrative Law Judge